

REMARKS

This Amendment is being filed in response to the Office Action mailed April 23, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 remain in this application, where claims 15-16 had been provisionally elected, which is hereby affirmed.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance with the drawings.

By means of the present amendment, dependent claims 3-9 and 11-13 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 3-9 and 11-13 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to claims 2, 4, 10

and 12 for certain informalities. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 4, 10 and 12 have been amended in accordance with the Examiner's suggestions, and claim 2 has been canceled without prejudice. Accordingly, withdrawal of the objection to claims 2, 4, 10 and 12 is respectfully requested.

In the Office Action, claims 1-2, 4-11 and 13-14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,867,315 (Koike). Claim 1-2, 4-6 and 14 are also rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 0453576 (Fukumoto). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Koike in view of JP 11-003528 (Bun). Claim 12 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Koike in view of U.S. Patent No. 6,304,312 (Tanabe). Claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Fukumoto in view of Bun. It is respectfully submitted that claims 1, 3-14 and 17-20 are patentable over Koike, Fukumoto, Bun and Tanabe for at least the following reasons.

Koike is directed to an optical system for the optical pickup device capable of making simultaneously two focal points in the same axis. As correctly noted on page 3, last line of the Office

Action, Koike FIG 6 shows a linearly polarized light as an incident light ray where the plane of vibration is inclined at a 45 degree angle to the crystal optic axis of a convex lens body 21.

Fukumoto is directed to an optical pickup device that includes a rotary polarizer 4. As specifically recited on column 4, lines 50-52, the Fukumoto rotary polarizer 4 rotates the polarized light by 45 degree. Further, as shown in FIGs 2-4, the light beams converge on two overlapping beam spots  $\beta_1$ ,  $\beta_2$  which are on a single layer of the disc 2 (FIG 1) having tracks  $T_R$  with recording pits  $P_R$ .

It is respectfully submitted that Koike, Fukumoto, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 10 and 14, amongst other patentable elements, recites (illustrative emphasis provided):

**switchable** beam rotation means arranged to controllably alter a polarization angle at which the polarized radiation beam is incident on the optical element.

Switchable beam rotation means or device is nowhere disclosed or suggested in Koike and Fukumoto, alone or in combination. Bun and Tanabe are cited to allegedly show other features and do not remedy the deficiencies in Koike and Fukumoto. Accordingly, it is

respectfully requested that independent claims 1, 10 and 14 be allowed. In addition, it is respectfully submitted that claims 3-9, 11-13 and 17-20 should also be allowed at least based on their dependence from independent claims 1, 10 and 14, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, Koike, Fukumoto, Bun, Tanabe, and combinations thereof, do not disclose or suggest controllably changing by 90 degrees, in a first state, the polarization angle of the polarized light incident on the optical element, as recited in claims 17 and 19. Further, Koike, Fukumoto, Bun, Tanabe, and combinations thereof, do not disclose or suggest a twisted nematic cell having an OFF state which is the first state where the polarization angle is changed by 90 degrees, and having an ON or second state where the polarization angle is not altered, as recited in claims 18 and 20.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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July 22, 2008

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